United Nations CEDAW/C/BFA/CO/7

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Burkina Faso*

1. The Committee considered the seventh periodic report of Burkina Faso (CEDAW/C/BFA/7) at its 1532nd and 1533rd meetings (see CEDAW/C/SR.1532 and 1533), held on 24 October 2017. The Committee's list of issues and questions is contained in CEDAW/C/BFA/Q/7 and the responses of Burkina Faso are contained in CEDAW/C/BFA/Q/7/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its seventh periodic report. It also appreciates the State party's follow-up report (CEDAW/C/BFA/CO/6/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Women, National Solidarity and the Family, Laure Zongo Hien, and included representatives of the Ministry of Justice, Human Rights and Civic Promotion, the Ministry of Health, the Ministry of Public Service, Employment and Social Protection, the Ministry of National Education and Literacy, the Ministry of the Economy, Finance and Development, the Ministry of National Defence and Veterans, the Ministry of Agriculture and Hydraulic Installations and the Permanent Mission of Burkina Faso to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2010 of the State party's previous periodic report (CEDAW/C/BFA/6) in undertaking legislative reforms, in particular the adoption of the following:

* *Adopted by the Committee at its sixty-eighth session (23 October–17 November 2017).*

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(a) Act No. 039-2017/AN of 27 June 2017, on the protection of human rights defenders;

(b) Act No. 061-2015/CNT of 6 September 2015, on prevention and punishment in respect of violence against women and girls, and reparation for and care of victims;

(c) Act No. 033-2012/AN of 11 June 2012, amending the Constitution and enshrining the promotion of gender equality in article 101 thereof.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as:

(a) The strengthening of the National Human Rights Commission in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), through Act No. 2016-01 of 24 March 2016, which provides it with a mandate to promote and protect women's rights;

(b) The establishment of the Constitutional Commission by Decree No. 2016-216/PRES of 14 April 2016 to revise the national Constitution, with a view to including provisions to combat violence against women and girls, and promote gender equality and reproductive health;

(c) The adoption, by the Council of Ministers, of a new national action plan covering the period 2017–2019 to implement the national gender policy (2009).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in 2012 and 2017, respectively;

(b) The Convention against Discrimination in Education, in 2012;

(c) The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, in 2012.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

D. Principal areas of concern and recommendations

Constitutional framework and discriminatory laws

8. The Committee notes the revision of the constitutional and legislative framework currently under way in the State party, including the planned amendments to the Constitution, the Criminal Code and the Personal and Family Code, to promote

gender equality and remove provisions that discriminate against women. It is concerned, however, about the extremely slow pace of legal reform, the absence of a timeline for adopting the texts and the fact that the draft texts may be further amended without public consultation. It also notes with concern the low representation of women on the Constitutional Commission (11 of 90 members).

9. **With reference to its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party accord priority to its law reform process, taking into consideration the links between articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, which calls for an end to all forms of discrimination against all women and girls everywhere, and, within a set time frame:**

(a) **Finalize and adopt the amendments to the Constitution, the Criminal Code and the Personal and Family Code in favour of the rights of women;**

(b) **Increase the representation of women on the Constitutional Commission with a view to achieving gender parity;**

(c) **Initiate open and inclusive public debates on diversity of opinion and interpretation with regard to religious and customary personal laws and practices and, with the participation of women's civil society organizations, raise awareness among parliamentarians, traditional and religious leaders and the general public of the importance of comprehensive legal reform to achieve substantive equality of women and men, and build consensus for the adoption of laws promoting women's rights.**

Legal definition of discrimination

10. The Committee welcomes the recognition of gender equality and the prohibition of gender-based discrimination under the Constitution. However, it is concerned that, although article 151 of the Constitution affirms the superiority of international treaties over national laws, the definition of discrimination against women according to article 1 of the Convention does not appear to be applied in national legislation.

11. **The Committee reiterates its previous recommendation that the State party reinforce substantive equality of women and men by using the definition of discrimination contained in article 1 of the Convention, thus covering direct and indirect discrimination in both the public and private spheres, and recognizing intersecting forms of discrimination (see** CEDAW/C/BFA/CO/6**, para. 10).**

Access to justice

12. The Committee welcomes the increase in the number of courts of major jurisdiction, and the revision of the legal aid scheme in 2016, targeting indigent women. It further welcomes the State party's declaration during the dialogue that it will cease deducting the expenses of court proceedings from any monetary compensation awarded to women complainants. The Committee remains concerned, however, about women's limited access to justice, mainly owing to:

(a) The low level of awareness by women of their rights and how to claim them, given the high poverty and illiteracy rates among women in the State party;

(b) The limited geographical access that women have to the courts and the limited availability of legal aid in rural areas;

(c) Women's distrust of the judiciary owing to high levels of corruption, a lack of gender sensitivity and the limited knowledge of women's rights among judges, lawyers and law enforcement officials;

(d) The fact that, for the majority of women, personal and family law matters are regulated by religious and customary law, principles of which have been found to be in violation of the Convention.

13. **With reference to its general recommendation No. 33 (2015) on women's access to justice, the Committee recalls the State party's obligation to ensure that women's rights are protected against violations by all components of plural justice systems, and further recommends that the State party:**

(a) **Continue to develop the court system with the aim of establishing a court of major jurisdiction in every region;**

(b) **Enhance women's awareness of their rights and how to claim them, including by strengthening cooperation with civil society organizations;**

(c) **Enhance the geographical reach of legal aid services and the judiciary, including by increasing the human, technical and financial resources dedicated to mobile hearing units;**

(d) **Investigate and prosecute all cases of corruption of justice personnel and punish the perpetrators adequately;**

(e) **Provide capacity-building on the Convention and women's rights to all judges, lawyers and law enforcement officials to ensure that they harmonize their practices with the Convention, and raise awareness and eliminate discriminatory stereotypes and stigmatization faced by women claiming their rights;**

(f) **Broaden the jurisdiction of the ordinary courts to encompass decisions on matters under the Personal and Family Code, hitherto regulated by religious and customary courts.**

Women and peace and security

14. The Committee notes the situation of increased insecurity in the State party following the political transition since 2014, characterized by attacks perpetrated by non-State actors, and a significant influx of refugees from Mali, some 32,000 of whom, according to the Office of the United Nations High Commissioner for Refugees, were still in the State party as at 31 December 2016. The Committee is concerned that:

(a) Refugee women and girls in the State party are at a heightened risk of sexual and gender-based violence, as well as early and forced marriage, human trafficking and forced prostitution;

(b) The High Council for Reconciliation and National Unity is not fully operational, resulting in delays in the investigation of allegations of gender-based violence against women and girls by security forces and terrorist groups;

(c) The national action plan on Security Council resolutions 1325 (2000) and 1820 (2008) has not been effectively implemented.

15. **The Committee recommends, in line with its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, that the State party:**

(a) Collect data on incidents of gender-based violence against women and girls, in particular sexual violence, incidents of early and forced marriage, trafficking in persons, forced prostitution and abduction by terrorist groups in the State party;

(b) Make the High Council for Reconciliation and National Unity fully operational and thereby enable it to investigate allegations of human rights violations by security forces and terrorist groups, with particular attention to gender-based violence against women and girls, bring perpetrators to justice and ensure compensation and rehabilitation for victims;

(c) Avail itself of international financial and technical assistance, as appropriate, to ensure the inclusion and participation of women at all stages of the peacemaking, stabilization and reconstruction process, including by effectively implementing its national action plan on Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security.

National machinery for the advancement of women

16. The Committee is concerned that the recent restructuring of the Ministry of Women, National Solidarity and the Family has led to the broadening of its mandate without the allocation of sufficient resources to ensure the implementation of its responsibility to advance the status of women. It is further concerned about the lack of coordination between the Ministry, the permanent secretariat of the National Council for the Advancement of Women and the ministerial gender focal points.

17. **The Committee, recalling the guidance provided in the Beijing Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, recommends that the State party:**

(a) Adopt a clear strategy to consolidate and reinforce the capacity of the national machinery for the advancement of women and ensure that it has adequate decision-making power and human and financial resources to implement the Convention effectively and that it works in a coordinated manner for the promotion of women's human rights at all levels;

(b) Ensure that its national machinery develop policies and programmes aimed at achieving gender equality within a human rights framework, and improve the collection of data, disaggregated by sex and other relevant factors, necessary to assess the impact and effectiveness of those policies and programmes.

National human rights institution

18. The Committee welcomes the strengthening of the National Human Rights Commission, including the broadening of its mandate to promote and protect women's rights through awareness-raising, complaints handling, legal assistance and the provision of referral services for victims. However, it notes with concern that the Commission is not operational.

19. **The Committee recommends that the State party provide the National Human Rights Commission with sufficient human, technical and financial resources to carry out its mandate to promote and protect women's rights. It encourages the Commission, once operational, to apply to the Global Alliance of National Human Rights Institutions for accreditation as compliant with the Paris Principles.**

Temporary special measures

20. The Committee reiterates its previous concern that temporary special measures are not sufficiently applied as a necessary strategy to accelerate the achievement of substantive equality between women and men in all areas covered by the Convention, with particular attention to promoting the representation of women at the decision-making level in both the public and private sectors.

21. **In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party set time-bound targets and allocate sufficient resources for the implementation of temporary special measures, such as quotas and other proactive measures, accompanied by sanctions for non-compliance, with a view to achieving substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged, such as in health, education, employment and access to social and economic benefits.**

Stereotypes and gender-based violence against women

22. The Committee is concerned about the persistence of stereotypes that discriminate against women in the State party, as reflected by exclusive decision-making by men in both the public and private spheres and women's relegation to a reproductive role. The Committee draws attention to the link between women's low status in the family and society, their lower level of educational attainment and higher rates of poverty, and the high levels of gender-based violence perpetrated against them, in particular sexual and domestic violence. It remains concerned that such violence appears to be socially legitimized and accompanied by a culture of silence and impunity and that victims have limited means of assistance, protection or redress. The Committee is further concerned that Act No. 061-2015/CNT is not fully operational and that there is no timeline for:

(a) Amending article 14 (2) of Act No. 061-2015/CNT, which fails to criminalize marital rape unless it is committed repeatedly or when a partner is physically unable to engage in sexual intercourse, and sanctions it only with a fine;

(b) Harmonizing the Criminal Code with Act No. 061-2015/CNT.

23. **The Committee, recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, recommends that the State party:**

(a) **Develop a comprehensive strategy, including clear goals and timeline, to modify discriminatory stereotypes affecting women;**

(b) **Expedite the revision of article 14 (2) of Act No. 061-2015/CNT in order to criminalize marital rape;**

(c) **Expedite the revision of the Criminal Code to harmonize its provisions with Act No. 061-2015/CNT, thereby ensuring that it criminalizes family violence, family shunning of girls on grounds of extramarital pregnancy or for refusing to enter into a forced marriage, and sexual harassment;**

(d) **Ensure the effective implementation of Act No. 061-2015/CNT and thereby that all allegations of gender-based violence against women, including domestic violence, are effectively investigated and prosecuted, the perpetrators**

are adequately punished and victims have access to appropriate redress, including compensation;

(e) Provide capacity-building programmes for judges, prosecutors, the police and other law enforcement officials, legal practitioners and community leaders on how to prevent gender-based violence and investigate allegations of such violence in a gender-sensitive manner;

(f) Increase the number and coverage of shelters, especially in rural areas, and provide medical treatment, psychosocial rehabilitation and reintegration programmes and legal assistance to victims of gender-based violence;

(g) Systematically collect and analyse data on all forms of gender-based violence against women, disaggregated by age, region and the relationship between the victim and the perpetrator, as well as on protection orders, the number of prosecutions and the sentences imposed on perpetrators.

Harmful practices

24. The Committee welcomes the adoption of the national strategic plan to eliminate the practice of female genital mutilation covering the period 2016–2020 and the national strategy to prevent and eliminate child marriage covering the period 2016–2025. Nevertheless, it notes with concern:

(a) The persistent practice of female genital mutilation and the lenient sentencing policy in the State party, including failure to systematically apply the minimum penalty of six months' imprisonment to perpetrators and the excessive use of conditional sentencing;

(b) The extremely high rate of child marriage, with 92 per cent of girls in rural areas married before reaching the age of 18 years. Furthermore, the scope of article 376 of the Criminal Code prohibiting child and forced marriage is restricted to civil marriages and does not cover those conducted pursuant to traditional or religious law, under which most child and forced marriages are administered.

25. **The Committee, in line with target 5.3 of the Sustainable Development Goals, which calls for the elimination of all harmful practices, such as child and forced marriage and female genital mutilation, recommends that the State party:**

(a) Allocate sufficient resources for the implementation of the national plans and strategies to combat female genital mutilation and child marriage, providing for strategic media campaigns and educational programmes to raise awareness among traditional and religious leaders, health-care and social workers and the general public about the negative impact of such harmful practices on women and girls;

(b) Establish mechanisms to systematically monitor and evaluate the implementation of those plans, with a view to continuously improving their effectiveness;

(c) Strictly enforce articles 380–382 of the Criminal Code prohibiting female genital mutilation, and discontinue conditional sentencing;

(d) Broaden the definition of forced marriage in article 376 of the Criminal Code to cover forced conjugal unions celebrated in traditional or religious practices.

Trafficking and exploitation of prostitution

26. The Committee welcomes the creation of a national vigilance and monitoring committee, mandated to coordinate the implementation of anti-trafficking legislation. It notes that the State party is a country of origin, transit and destination for trafficking in persons and notes with concern the lack of information on:

(a) The outcome of the 2013 study on trafficking in persons carried out by the then Ministry of Social Action and National Solidarity, which is essential to establishing an effective anti-trafficking strategy that would ensure the prosecution and punishment of perpetrators and enhance the legal and psychosocial assistance available to women and girls who are victims and their reintegration;

(b) The number of investigations and prosecutions, and sentences imposed on perpetrators of trafficking in women and girls, as well as on measures to protect victims and accord them reparation;

(c) The social and protection services available to women in prostitution, including exit programmes for women wishing to leave prostitution.

27. **The Committee draws attention to target 5.2 of the Sustainable Development Goals, which calls for the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:**

(a) **Develop and implement an anti-trafficking strategy that provides for mandatory capacity-building for law enforcement officials on the early identification and referral of trafficking victims to appropriate services for assistance and rehabilitation, as well as education and awareness-raising campaigns about the risks and criminal nature of trafficking;**

(b) **Investigate, prosecute and adequately punish perpetrators of trafficking in persons, especially women and girls, ensuring that victims of trafficking and prostitution are exempted from any criminal liability and provided with adequate protection and redress, including access to counselling, medical treatment, psychological support, rehabilitation and compensation;**

(c) **Address the root causes of trafficking and exploitation of women and girls by offering educational and alternative income opportunities to women who are at risk of being trafficked or exploited in prostitution, as well as exit programmes for women in prostitution, including social and professional reintegration strategies.**

Participation in political and public life

28. The Committee welcomes the revision of Act No. 010-2009 of 16 April 2009 on electoral quotas to raise the representation of either sex on candidate lists for legislative and municipal elections from 30 to 50 per cent and the rejection of any such list that does not respect that quota. It also welcomes the revision of the Electoral Code (Act No. 005-2015/CNT of 7 April 2015) to harmonize its provisions with those of Act No. 010-2009. However, the Committee is concerned that, despite the 30 per cent minimum quota in place at the time of the most recent elections, the number of women elected to the national parliament remains extremely low (15 of 127 parliamentarians). It further notes the low number of women appointed to ministerial positions (7 of 29) and as ambassadors (7 of 32).

29. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

(a) **Within a set time frame, finalize and adopt the draft law revising Act No. 010-2009 to raise the representation of either sex on candidate lists for legislative and municipal elections from 30 to 50 per cent, to reject any candidate list that does not respect that quota, to adopt the "zebra principle" of listing a woman on every two ranks of the electoral lists and to apply the penalties for non-compliance with the legislation strictly;**

(b) **Also within a set time frame, finalize and adopt the amendments to the Electoral Code to harmonize its provisions with those of the revised legislation on quotas;**

(c) **Implement temporary special measures to ensure gender parity in the appointment of women to decision-making positions in the Government and the diplomatic service;**

(d) **Increase the availability of training and capacity-building programmes for women wishing to enter political life or hold public office and continue to encourage the media to ensure that women and men who are candidates or elected representatives receive equal visibility, especially during election periods;**

(e) **Raise awareness among politicians, the media, traditional leaders and the general public that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the effective implementation of the Convention, as well as the political stability and economic development of the country.**

Nationality

30. The Committee commends the State party for its legal framework governing the acquisition of nationality and its efforts to register births. It is concerned, however, that 20 per cent of children in the State party are not registered at birth, placing them at risk of statelessness and impeding their access to basic services.

31. **The Committee recommends that the State party intensify its efforts to ensure timely birth registration and issuance of birth certificates, free of charge, throughout its territory, including through awareness-raising campaigns on the importance of birth registration and the use of mobile civil registration units, paying particular attention to children born in refugee camps.**

Education

32. The Committee welcomes the adoption of a national strategy for the acceleration of girls' education covering the period 2012–2021 and the positive impact of its implementation on increasing girls' access to education throughout the State party, as reflected by the achievement of gender parity at the primary level. However, it is concerned about the extremely high rate of early pregnancy among school-age girls and notes its link to the high rate of child and/or forced marriage in the State party. It is also concerned by the impunity for teachers and school administrators who impregnate those girls. The Committee regrets that, despite legislative provisions prohibiting the dismissal of pregnant girls from school, most of them do not complete their education owing to social exclusion and inadequate support for their reintegration into the education system. The Committee is also concerned about:

(a) The disproportionately low completion rates at the secondary level among girls in rural areas and the resulting low literacy rate among rural women (21 per cent);

(b) The lack of comprehensive sexual and reproductive health education and services for adolescents;

(c) The poor quality of education owing to insufficient investment in school infrastructure, including access to drinking water and adequate sanitation facilities for girls;

(d) The fact that many girls in situations of poverty are forced to discontinue their schooling and support their families.

33. **The Committee, taking note of target 4.5 of the Sustainable Development Goals, which calls for the elimination of gender disparities in education, recommends that the State party:**

(a) **In the light of its obligation to protect children from violence, including sexual abuse, pursuant to article 13 of Act No. 49-2005/AN, on reproductive health, and article 97 of Act No. 015-2014/AN, on child protection, allocate adequate resources to programmes to combat early pregnancy, including by establishing reporting mechanisms for all acts of sexual violence perpetrated against women and girls in educational institutions, and by engaging the National Council for the Prevention of School Violence in that endeavour;**

(b) **Establish compulsory awareness-raising for teachers and all school administration personnel on the fact that they may be held criminally liable for impregnating or sexually harassing schoolgirls;**

(c) **Collect and publish data on the number of cases of early pregnancy at school, and on the number of investigations of such cases, prosecutions and sentences imposed;**

(d) **Facilitate the reintegration into education of adolescent mothers, including by combating cultural stigma through awareness-raising campaigns and providing affordable care for their children;**

(e) **Include mandatory, age-appropriate, evidence-based and scientifically accurate education in school curricula for girls and boys on sexual and reproductive health and rights and responsible sexual behaviour in order to, among other things, reduce pregnancy-related dropout rates;**

(f) **Dismantle discriminatory stereotypes and other barriers to girls' access to education by raising awareness, particularly among parents and traditional leaders, of the importance of education for women;**

(g) **Eliminate indirect costs of schooling, improve the quality of teaching and school infrastructure and enhance the provision of school feeding programmes and appropriate sanitary facilities for girls;**

(h) **Strengthen adult literacy programmes, especially for women in rural areas.**

Employment

34. The Committee notes the constitutional and legislative guarantees, including in the Personal and Family Code and Labour Code, prohibiting gender-based discrimination and harassment and protecting equal opportunity for women and men

in employment. However, it is concerned about the disproportionately high unemployment rate among women, their concentration in poorly paid jobs in the informal sector, where they are frequently subjected to exploitative domestic work, and the limited implementation and monitoring of the principle of equal pay for work of equal value. The Committee is also concerned that:

(a) Victims of gender-based discrimination and sexual harassment in the workplace have limited access to redress owing to onerous evidentiary requirements;

(b) Article 142 of the Labour Code prohibits women from carrying out certain types of work based on discriminatory stereotypes;

(c) Women continue to be ineligible for family benefits or a parenthood deduction from the single tax on wages and salaries, which are automatically granted to fathers.

35. **The Committee recommends that the State party:**

(a) **Improve women's access to formal employment through measures, including temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, such as incentives for public and private sector employers to recruit women, the introduction of flexible work arrangements and strengthened professional training for women;**

(b) **Ensure the application of social protection schemes to all women, including those working in the informal sector;**

(c) **Systematically carry out inspections to combat exploitative labour practices facing women and ensure that perpetrators are appropriately sanctioned;**

(d) **Review provisions of the law and policy that discriminate against women, including by amending article 37 of the Labour Code to broaden the definition of sexual harassment and the scope of persons to whom it applies, raising awareness of the remedies available to victims and relaxing the burden of proof, amending article 142 of the Labour Code to restrict certain professions to the period of maternity and not to women in general, and revising discriminatory policies regulating the receipt of family benefits;**

(e) **Ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189).**

Health

36. The Committee welcomes the adoption of Decree No. 2016-311 of 2 March 2016, introducing free health care for children under 5 years of age and for pregnant women in the State party. However, it is gravely concerned about:

(a) The extremely high rate of maternal mortality and the link to the rising incidence of unsafe abortion, which accounts for almost one third of all maternal deaths;

(b) Additional factors causing maternal mortality and morbidity, including female genital mutilation, early marriage, early pregnancy, inadequate health-care infrastructure and a shortage of medical personnel, unequal distribution of health and family planning services and impeded access to contraception.

37. **The Committee, recalling its general recommendations No. 24 (1999) on women and health and No. 35, draws attention to targets of 3.1 and 3.7 of the**

Sustainable Development Goals, which call for the reduction of the global maternal mortality ratio and universal access to sexual and reproductive health-care services. Reiterating its previous recommendation (see CEDAW/C/BFA/CO/6, para. 40), the Committee recommends that the State party:

(a) Decriminalize abortion by repealing articles 383–390 of the Criminal Code, which prohibit abortion;

(b) Eliminate the procedural obstacles that effectively hinder access to legal abortion, including the requirement, in cases of rape, to obtain a judicial decision recognizing the criminal act and the limitation on the performance of abortion in cases of rape or incest to the first 10 weeks of gestation;

(c) Raise the awareness of women and healthcare providers about access to legal abortion and access to post-abortion care for all women;

(d) Increase the availability of and access to non-judgmental and accessible sexual and reproductive health information and services, as well as to affordable contraceptive supplies, throughout the State party, including by increasing women's awareness of the Reproductive Health Act, which affirms women's right to have access to contraceptive products without the consent of the husband;

(e) Reduce maternal mortality by improving access to basic prenatal and postnatal care and emergency obstetric services by skilled birth attendants throughout the territory of the State party, taking into consideration the technical guidance of the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22 and A/HRC/21/22/Corr.1 and A/HRC/21/22/Corr.2).

HIV/AIDS

38. The Committee welcomes the adoption of Act No. 30-2011 of 3 June 2011 on combating HIV and protecting the rights of persons living with the condition. However, it is concerned that the HIV rate remains high for women in prostitution and that they have limited access to treatment owing to discrimination and stigmatization.

39. **The Committee recommends that the State party ensure access to adequate health services, including antiretroviral medicines, for women and girls living with HIV, paying particular attention to women in prostitution, and also that it take measures to combat discrimination and stigmatization faced by them.**

Economic and social benefits

40. The Committee welcomes the national economic and social development plan covering the period 2016–2020, which envisages women as key players in development, and its goal to reach gender parity among entrepreneurs in the country by 2020, and also notes the adoption in 2015 of a national strategy to promote entrepreneurship among women, with the stated goal of reducing poverty by 2025. However, the Committee is concerned that economic and social benefits remain inaccessible to the majority of women in the State party owing to their low level of awareness of how to gain access to such benefits, and about their limited access to

and control of land and natural resources, resulting from patriarchal attitudes towards resource allocation.

41. **The Committee recommends that the State party increase women's awareness of how to gain access to benefits, including social protection and health insurance, as well as low-interest financial credit, and increase the geographical reach of providers of such benefits. It also recommends that the State party raise awareness among parliamentarians, traditional and religious leaders and the general public about the need to promote the economic empowerment of women as a poverty alleviation strategy, in line with Sustainable Development Goal 5.**

Rural women

42. The Committee welcomes the legal framework providing for equitable access to land, resources and information, and the minimum 30 per cent quota of State-managed agricultural land plots reserved for women. However, the Committee is concerned that the framework is insufficiently implemented owing to the low level of awareness of those rights among women, fails to mainstream gender equality into its programming and has not been formulated and implemented with the full participation of rural women. The Committee is also concerned that:

(a) No mechanisms exist for women to file complaints about discrimination with regard to their access to and ownership, use and inheritance of land;

(b) Women have been disproportionately affected by the forced eviction of the Kounkoufouanou and Essakan communities, by the loss of fertile land and income, access to sufficient and clean water and proper housing and by the worsening of health conditions.

43. **In the light of its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Fully implement Act No. 034-2009/AN of 16 June 2009 on the rural land tenure system, which recognizes gender equality in access to land in rural areas;**

(b) **Ensure the inclusion of a gender perspective in all rural development policies and plans and the participation of women in the preparation, adoption and implementation of national policies and programmes on food security, climate change, disaster response and risk reduction;**

(c) **Facilitate the acquisition and retention of land and natural resources by women, including by increasing their awareness of how to claim land reserved for them, reinforcing the capacity of the commissions mandated to monitor the application of the 30 per cent quota for land earmarked for women and assisting women to file complaints about violations concerning discrimination with regard to access to land;**

(d) **Engage the women of the communities concerned in a process including the private enterprises active in Kounkoufouanou and Essakan to negotiate appropriate reparation and compensation for full recovery of the losses experienced by those women;**

(e) **Establish a legal framework to ensure that agro-industrial projects and the activities of extractive industries do not undermine rural women's rights to land ownership and their livelihoods and ensure that such ventures are**

permitted only after gender-impact assessments involving rural women have been undertaken and ensuring that evictions are court-ordered and subject to strict procedural safeguards in line with international standards.

Disadvantaged groups of women

Older women and widows

44. The Committee welcomes the adoption of Act No. 24-2016/AN of 17 October 2016 on the protection and promotion of the rights of older persons, which, among other things, sanctions the abandonment and social exclusion of older persons, as well as those accused of witchcraft. It is concerned, however, that the Act does not specifically address the precarious situation of older women or provide for a complaint mechanism to ensure that victims of discrimination, including women accused of witchcraft, can claim their rights.

45. **In the light of its general recommendation No. 27 (2010) on older women and protection of their human rights, the Committee recommends that the State party:**

(a) **Amend Act No. 24-2016/AN so as to guarantee that older women have access to adequate and affordable health care and social services, as well as to inheritance and land;**

(b) **Allocate the resources necessary to ensure the effectiveness of the monitoring mechanism for implementation of the national action plan to combat social exclusion of persons accused of witchcraft, which covers the period 2012-2016;**

(c) **Carry out awareness-raising programmes to change traditional views about older women and widows, with a view to combating all forms of discrimination and violence against them.**

Women in detention

46. The Committee notes with concern that the majority of women in pretrial detention are not systematically separated from convicted inmates. It is concerned about the poor conditions of detention in which women are held, including overcrowding and a lack of access to food, drinking water and adequate sanitation.

47. **The Committee recommends that the State party implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), guarantee the separation of detained women from convicts, ensure their access to adequate nutrition, drinking water, sanitation and healthcare and strengthen support programmes for their integration upon release.**

Women with disabilities and women with albinism

48. The Committee welcomes the adoption of Act No. 012-2010/AN of 1 April 2010 on the protection and promotion of the rights of persons with disabilities and also notes that article 18 of the Constitution requires the State party to provide assistance to persons with disabilities. It is concerned, however, that the rights of women and girls with disabilities are not protected by any specific policy or plan of action. The Committee regrets reports of attacks on persons with albinism, including women and girls, the use of their body parts for purposes of witchcraft and the stigma and social exclusion suffered by mothers of children with albinism.

49. The Committee, recalling its general recommendation No. 18 (1991) on disabled women, recommends that the State party:

(a) Develop and implement a strategy to ensure that women and girls with disabilities have effective access to justice, political and public life, education, income-generating activities and health care, including sexual and reproductive health-care services;

(b) Undertake awareness-raising to change negative attitudes towards women and girls with disabilities and women with albinism, ensuring that strict penalties are imposed on perpetrators of violations against them.

Equality in marriage and family relations

50. The Committee welcomes the submission of the draft revised Personal and Family Code to the Council of Ministers and the fact that it harmonizes the age of marriage at 18 years for men and women. It is concerned, however, about the lack of information as to whether all discriminatory provisions have been recommended for repeal in the draft, including:

(a) Article 233, excluding marriage conducted under customary and religious rites from the application of the Code;

(b) Articles 257–262, permitting polygamy;

(c) Article 294, giving deference to the husband on choice of domicile;

(d) Article 741, stipulating that a surviving legally separated spouse may not inherit her or his deceased spouse's assets.

51. The Committee, recalling its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, as well as joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, recommends that the State party:

(a) Expedite the adoption of the revised Personal and Family Code, repealing all provisions that discriminate against women, including by raising the minimum legal age of marriage to 18 years for men and women, without exception, and applicable to any form of conjugal union;

(b) Encourage the regularization of marriage by simplifying the administrative requirements for civil marriage and reducing all associated costs.

Data collection and analysis

52. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention.

Amendment to article 20 (1) of the Convention

53. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

54. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

55. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

56. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.**

Technical assistance

57. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

58. **The Committee encourages the State party to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

Follow-up to the concluding observations

59. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 23 (b) and (f), 25 (d) and 43 (c) above.**

Preparation of the next report

60. **The Committee invites the State party to submit its eighth periodic report in November 2021. The report should be submitted on time and, in case of delay, should cover the entire period up to the time of its submission.**

61. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see** HRI/GEN/2/Rev.6, **chap. I).**